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Mr. Daniel Lastra
Examiner; Art Unit 3622
US Patent and Trademark office
P.O. Box 1450
Alexandria, VA 22313-1450

RE: 09/898,686
Dear Mr. Lastra:

The meeting on May 25, 2005 produced the opportunity of clearly defining the claims with productivity gains and amending the claims. Mr. James Myhre provided me with a two procedural directions.

It was suggested to me to move directly to the Request for Continued Examination (RCE) where the RCE is the best course of action with my claims and the application timeframe. I have decided to do this and I stated my intention within my last voicemails to you. The RCE and the Amended Claims with Related Art have been mailed and FAX to you at 517 273-6720.

My response, a check of \$395.00 and the Transmittal are within the three-month guideline. The Inventor Assistance Center have been helpful.

Once the RCE has been routed to you and you begin the searches, I am requesting a brief office conference where any issues can be address with me prior to the work and energy, you will extend.

It has been a difficult few weeks for me with family health issues. I trust all is well with you.

Thoughtfully yours,

A handwritten signature in cursive script that reads "William Kish".

William Kish

11. a system of employee actions to produce productivity gain independently or in an employee group where the productivity gain has a value and the value is an improvement, value is added to the employee wage or group wages. The value created by employee actions is an improved wage which methods comprise:
 - a. method of assigning a customer to an employee where the customer becomes an employee client and said customer is part of an employee's book of customers where the employee has the opportunity to produce gains and the improved wage.
 - b. method of compensating the employee based upon the independent employee action or group action using the employee's book of customers where employees earn a greater wage from their actions where the actions produce greater customer frequency, improved customer spending and improved customer retention.
 - c. method of employee entitlement to create a productivity gain where employee actions and with other employees make business decisions which include work shift staffing, decide budgets, create a forecast, develop sales plans and sales quotas, order materials, control cost, answer and decide on customer request, sell products and services and qualify customer needs
 - d. method of notifying the employee of the productivity gain and its value, recording the value and notifying the employee of the improved wage.
 - e. method of converting the improved wage into the equity of the business where the equity is a unit of a private business, a fraction of a unit or whole equity share of the business
 - f. method of employee entitlement where the unit can be employee directed, where the employee can transfer, purchase and sell the unit
12. The system further defines productivity gains in a restaurant as employee acting alone and with an employee team produce improve work shift income where actions independent or together employees produce improved efficiencies of work flow, improved customer retention, improved customer frequency, improved customer average restaurant check, greater customer acquisition, more frequent banquet sales, more event planning and more catering sales.

6,061,660 May 9, 2000 Eggleston

Eggleston limits winners to a process of using an algorithm.
Kish creates a system and method where employee actions produce gains and improved wages are converted into a unit of known value of the business.

Eggleston claims a network, sponsored computer, host computer with an incentive application builder program which is limited to the application manager who builds the program
Kish empowers the employee to produce the award which is not limited by the employer and earned with an improved wage, the employee earns and exchanges the wage into a unit of the business equity.

Eggleston limits current identification as a retrieval and storage of incentives and points where users can view, decide on incentive programs.
Kish improves the user incentive with real time employee program where employee within a work shift or after a work shift understands which action has been awarded where employee motivation is improved independently and motivated by employee with other employees cooperating within the work shift employment opportunity.

Eggleston exchange of points is limited upon a victory, prize, customer or employee incentive using an automatic measurement of an award.
Kish empowers the employee to produce the award and exchange the earned wage.

Eggleston has limited the award to the typical exchanges of cash, and merchandise.
Kish has taken only the earned productive part of the employee wage to become converted into the business equity. This entitlement is unique since owners do not freely provide a business share of the future profits of the business.

6,587,831 July 1, 2003 O'Brien

O'Brien is specific with his employee action using a password for a work shift exchange.
Kish has employees and the employees access the system using a password to acquire the entitlement to improve a wage and to earn equity.

O'Brien claims the point bids are used within a work shift schedule change.
Kish improves the award by employee awards based on productivity.

O'Brien is exchanging employee points and updated the employee point totals based upon an assignment of a work shift.

Kish is not limiting the employee award amount where the employee awards other employees based upon the improved income or value, the productivity of the work shift.

The employee identification update notifies the employee of the award where greater moral, strong team performance, improved customer satisfaction is achieved.

O'Brien has establish a value which is limited to the work shift.

Kish improves the established awards over a value of the work shift which value is the productivity, employees produce without management direction.

O'Brien awards points to employees for alleviating the manager from having to fill the shift.

Kish has entitled employees to manage themselves and to organized the work place based upon the team skills. Kish leads employees to maximize his or her earning potential with employee decisions.

O'Brien assignment is a work shift.

Kish assignment are customers and prospective customers, the employee has acquired on premise or off premise by his or her independent actions.

O'Brien information is employee data.

Kish has information from the customer where employees enter the data. And employees can access the information producing greater customer loyalty, retention, sales which creates a greater wage.

O'Brien adds or decreases points on schedule changes

Kish entitles employee to exchange earned wages where employee actions have produced greater benefits to the business.

Management system for use in budgets, forecasting, sales incentive plans are basic planning systems where supervisors can budget and or forecast business or loads and to schedule employees appropriately to the anticipated business requirements.

The prior art falls short where employees are not given the entitlement to forecast, to budget and to plan their sales. If implemented, employees reduce management's time, improving input and reducing cost. Where these cost reductions and improvements are productivity gains.

Known prior art include US. Pat. No; 5,911,134,

6,345,261 February 5, 2002 Feidelson:

Feidelson claim is limited to a customer discount based upon a purchase and that discount equals an investment into a public security.

Kish improves employee investment potential by investing in the private capital structure of the employee' employer. Kish improves it by an additional portion of work, productivity can be invested.

6,575,832 June 10, 2003 Manfredi

Manfredi is limited to game players and it provides a credit based upon a game-device tracking system where the game player exceeds a predetermined level within an earning time period and using the credit to wage again on the gaming device.

Kish player's are employees earning a living wage where employees exceed employment expectation with production or service levels and the improved wage is exchanged for equity in the business.

6,301,564 October 9, 2001 Halverson

Halverson limited where individual preferences are not productive, it provides a survey system device for customer preferences and it provides a grouping of preferences in food, atmosphere and experience.

Kish improves on Halverson where it is the employee entitlement to enter individual information into the database and to retrieve the data individually, hereafter, the employee making the decisions of customer independent experience. Where the employee has the opportunity of improving retention, improving sales and creating greater wages for themselves.

5,991,736 November 23, 1999 Ferguson

Ferguson's system is limited to customer's retirement programs and an incentive which is a monetary transaction of a good or service and it provides the customer a portion of an incentive award pool and the system provides a transfer of the value to a financial instrument as an IRA based on a goods or service transaction the employee or customer has made.

Kish improves the user incentive by each work shift where the employee actions not a purchase transaction has the opportunity to improve at his or her own initiative. Where the employee can earn an improved wage and invest in the business, he or she is working.

The use of exchanging a credit from purchases and services is known in the prior art. And the systems and methods utilized in exchanging into various financial instruments as mutual funds, IRA, 529 college savings plans, public traded companies have been designed and are crowded in the prior art.

The known prior art of U.S. Pat. No; 5,991,736, U.S. Pat. No; 6,164,533, U.S. Pat. No; 6,345,261, are customer transactions of goods and services which the prior art has limited itself and productive employee actions are not considered.

Other Reference:

Edward Deming, "The New Economics for Industry, Government, Education", MIT Center for Advanced Engineering Study, 1994. P.58 – 60. P. 127

Peter Drucker, "Prophet Sharing", Red Herring, January 30, 2001 p. 100.

Code of Federal Regulation: Incentive Programs: Corporation
Internal Revenue Service, Department of the Treasury, Subchapter A – Income Tax
Part I, 26 CFR 1.50A – 1, Title 26, Chapter 1, 1.50A-2. Section 40.

C. R. 2000 IOMA; Pay for Performance Report, October 2000; CARS Research Finds Three Themes Success With Group Incentive Program.

Financial News Public Relations Newswire Associates. "Verizon Grants Stock Options To Employee Company – Wide, "Founders Grant" is Industry's Largest Broadbased Stock Option Program.

Michail Quarrey, Joseph Blasi, and Corey Rosen, Taking Stock: Employee ownership at Work, Cambridge, Mass: Ballinger Pub. Co c1986